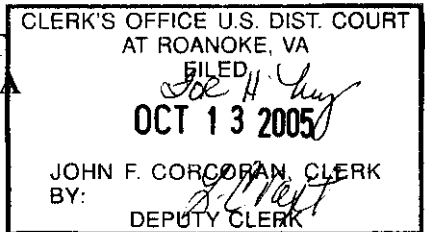


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION



GENE L. VAN PELT,

Plaintiff,

v.

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

Civil Action No. 5:04CV00063

FINAL ORDER

By: Samuel G. Wilson
United States District Judge

This case is before the court on the objection of defendant, Jo Anne B. Barnhart Commissioner of Social Security, to the Magistrate Judge's report setting forth proposed findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C). The court has reviewed the administrative record, the Magistrate Judge's report, and defendant's objections to that report. The court concludes that the Magistrate Judge's recommendation is correct and adopts that recommendation. Accordingly, it is **ORDERED** and **ADJUDGED** that the final decision of the Commissioner is **REVERSED** granting judgment to the plaintiff, **RECOMMITTING** the case solely to calculate and pay proper benefits, and this case is **ORDERED** stricken from the docket of the court.

ENTER: This October 13, 2005.


UNITED STATES DISTRICT JUDGE